



TENNESSEE WILDLIFE RESOURCES AGENCY

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Robin Heard, Acting Director
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P.O. Box 2890
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Dear Director Heard:

Thank you for the opportunity to comment on the Interim Final Rule for the Healthy Forests Reserve Program. Properly designed and implemented, the Program could play an important role in restoring healthy and diverse forest ecosystems that provide multiple benefits to participating landowners and the general public.

While the three identified goals of the program are desirable, in many instances recommended forest management practices to recover threatened and endangered species, improving biodiversity, and enhancing carbon sequestration are conflicting or even mutually exclusive. Often recovery of T&E species, especially for those with large contiguous habitat needs, will require management that results in less biodiversity. Considerations for carbon sequestration need to be focused on where increased benefits can be realized from actions addressing the first two goals and should only be in the context of promoting diverse, native forest systems (as opposed to large blocks of cottonwoods, sycamores, hybrid poplars, etc.) that are being proposed for commercial operations involving biofuels.

As mentioned in the Interim Rule, an approach to putting enrollment priority on, or limiting participation to certain regional forest ecosystems would be essential to helping maximize the federal investment in this program. In order to significantly affect many forest ecosystems, sizeable acreages will need to be involved. Distributing the current cap among the 50 states would entail only 40,000 acres per state; a mere fraction of the forestland acres for many states. Limiting enrollment to targeted ecosystems would also minimize the NRCS workload involved in getting county personnel trained to handle applications and contract agreements.

TWRA recommends inclusion of the bottomland hardwoods of the Mississippi River and its tributaries, and the mesic hardwood forests of the Appalachian region (including the Cumberland Plateau), as regional forest ecosystems to be included as HFRP focus areas.

The ranking system developed at the state level will be essential to targeting acreage to maximize benefits. Developing ranking and cost-share practices will be a potentially very complex process considering the great diversity of potential listed wildlife and plant species in

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need of protection – often with opposing forestland habitat needs (e.g some species require early successional forest and others require mature forest). NRCS should proactively involve the State Technical Committee’s habitat teams and State Wildlife Action Plans to provide the data and expertise necessary to assemble effective ranking systems.

In regards to the Summary discussion in the Federal Register on the compatible use process (p. 28551, middle column):

- a) We suggest that wording be revised to change the emphasis for Compatible Uses from “promoting the recovery of listed species”, “improving biodiversity” and “enhancing carbon sequestration” to “does not detract from...” This makes a necessary distinction from the overall implementation of the agreement or easement and the management prescriptions developed – the purposes of which ARE to “promote, enhance, and improve”, and Compatible Uses. While Compatible Uses might help accomplish these goals, the **judging criteria** should be that they do not **DETRACT** from those goals. For example, **the hunting or fishing of legal game species, operation of a horseback riding operation, etc.** may not have a direct positive impact on the goal outcome, but they might not detract from it either. The purpose of the Compatible Uses should be to identify and provide the landowner the **greatest flexibility in continued land use** that does not detract from the purpose of the HFRP agreement. **State ranking criteria can be implemented to favor compatible uses that do have positive impacts, if needed.**
- b) While it is further stated that “A clear cutting approach to timber harvest, however, for the purpose of achieving economic gain at the expense of the forest ecosystem or essential wildlife habitat would not be compatible.”, we would certainly hope that the HFRP will allow for clear cutting approaches to timber harvest, properly implemented, the purpose of which would **enhance** the long-term forest and wildlife health (i.e. when done to promote the restoration of an oak-hickory forest now dominated by less desirable and more shade-tolerant trees). In essence, keep options open for all forest management tools that can be used beneficially.

While we don’t have a specifically worded rule suggestion, some thought might need to be given to address potential program abuse, similar to someone breaking out **grassed farmland and cropping it for the purpose of making it eligible for CRP in several years**. For example, could someone high-grade a quality hardwood stand in the Appalachian forest, and by doing so it be scored higher on a HFRP application ranking because now it will require “restoration” as opposed to simple protection and more passive management practices?

Regarding Section 1(B) (page 28549, middle column), the last sentence which reads “In easement circumstances, where a change of conditions requires the Services to terminate a Landowner Protection, NRCS will work to address the changed conditions in the HFRP restoration plan in coordination with the landowner.” This statement seems rather vague and needs clarification. What kinds of conditions are envisioned? Does this refer to circumstances where the landowner doesn’t carry out terms and conditions of the agreement, or does it refer to environmental or ecological conditions changing and therefore eliminating the need for Landowner Protection?

We look forward to working with NRCS and the Fish and Wildlife Service on implementation of the Healthy Forests Reserve Program in Tennessee.

Regards,



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